

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Guaranteed Analysis Protein 24%," was false and misleading and deceived and misled the purchaser when applied to a product containing less than 24 per cent of protein.

On November 20, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be relabeled by obliterating the figures "24.00%" on the label and substituting therefor "20.00%," and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17717. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25443. I. S. No. 13712. S. No. 3636.)

Samples of butter from the herein described interstate shipment having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 31, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Prairie River Creamery Co., from Gleason, Wis., October 20, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On November 21, 1930, C. H. Weaver & Co., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17718. Adulteration of cheese. U. S. v. 30 Boxes, et al., of Cheese. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24640, 24699. I. S. Nos. 030805, 030806, 030811, 033550. S. Nos. 3002, 3031.)

Samples of cheese from the herein described interstate shipments having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 1 and April 4, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 268 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sogen Cooperative Dairy Association, from Cannon Falls, Minn., in various consignments, on February 18, February 25, and March 4, 1930, respectively, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libels that the article was adulterated in that a substance containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article; and in that excessive moisture had been mixed and packed with and substituted in part for the said article.

On December 5, 1930, A. H. Barber & Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be

reprocessed and reconditioned under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17719. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25284. I. S. No. 4622. S. No. 3538.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 22, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co., from Buffalo Lake, Minn., in two consignments, on or before October 10, and October 13, 1930, respectively, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 28, 1930, the Farmers Creamery Co., Buffalo Lake, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17720. Adulteration of canned cherries. U. S. v. 294 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23139. I. S. No. 04501. S. No. 1235.)

Samples of canned cherries from the herein described interstate shipment having been found to contain maggots and decayed fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On October 10, 1928, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 294 cases of the said canned cherries, remaining unsold in the original cases at Lansing, Mich., alleging that the article had been shipped by the Gervas Canning Co., from Fredonia, N. Y., August 1, 1928, and had been transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gervas Brand * * * Red Sour Pitted Cherries Packed by Gervas Canning Co. Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On November 5, 1928, the Gervas Canning Co. (Inc.), Fredonia, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or otherwise disposed of contrary to law. On November 8, 1928, an amended decree was entered permitting the shipment of the product to the factory of the claimant at Fredonia, N. Y., for reconditioning and reprocessing under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17721. Adulteration of butter. U. S. v. 8 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25442. I. S. No. 1337. S. No. 3594.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less